

## NIXON SAID TO BAR ARMS TESTIMONY

Gore Asserts Bid for Secret  
Briefing Was Rebuffed

By ROBERT B. SEMPLE Jr.

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WASHINGTON, Nov. 12 — The White House was reported today to have instructed officials of the Arms Control and Disarmament Agency not to appear in closed session before a Senate subcommittee that had asked for a briefing on the forthcoming arms control talks in Helsinki.

Describing the order as unprecedented, mystifying and "regrettable," Senator Albert Gore said he had been forced to cancel an executive session of the subcommittee on International Organization and Disarmament Affairs, which he heads, when officials from the arms control agency told him that they were not free to testify.

"This is the first time to my knowledge," the Tennessee Democrat said in a statement, "that an agency charged with a responsibility in the field of foreign affairs has not been willing—or, in this case, free—to meet with the disarmament subcommittee on a subject on which the subcommittee has had jurisdiction."

Mr. Gore did not explicitly say that the White House had ordered agency officials not to appear, although he implied it, but other sources confirmed that Gerald C. Smith, head of the agency, had checked with the White House after receiving the subcommittee's invitation and had been told he could not appear.

### Arms Agency Statement

The instructions were said to have come from the office of Henry A. Kissinger, the President's Adviser on National Security Affairs.

In response to inquiries, the arms control agency told newsmen this afternoon essentially what it had told Senator Gore yesterday.

"We understand," the agency said in a brief statement, "that the White House is planning to handle the matter of briefing Congress on our approach to the Helsinki talks."

But the agency said it did not know whether the White House in fact intended to conduct such briefings.

The White House refused comment on Mr. Gore's statement and it was not immediately clear why it had chosen to deny members of the Foreign Relations Committee access to its negotiating position.

Some staff members of the subcommittee were prepared to concede that Dr. Kissinger might have been nervous about the possibility of premature release of the United States position.

But most members of the committee felt that the White House wished to "keep total control" of the negotiating process and had no desire to expose itself to its critics on the subcommittee, some of whom had been fearful that President Nixon was approaching the talks with excessive caution and inflexibility.

### New Challenge Seen

In any event, the episode was regarded today on Capitol Hill as yet another Administration challenge to what the Congress, particularly the Foreign Relations Committee, regards as its legitimate role in the shaping of foreign policy.

"Inasmuch as the SALT talks will hopefully produce an agreement for some limitations regarding nuclear weapons," Mr. Gore said, "it is regrettable that officials charged with conducting these negotiations are prohibited from briefing responsible members of the Senate so that the Senate will be in a position conscientiously to discharge its constitutional responsibilities."

Mr. Gore refused to elaborate on his statement and other members of the subcommittee were not immediately available for comment.

But committee sources said the Tennessee Democrat's dismay was widely shared within the Foreign Relations Committee as a whole and that at least two Republican members, Senator Clifford Case of New Jersey and Senator John Sherman Cooper of Kentucky, had privately said they were disturbed by the Administration's action.

In general, the liberal members of the committee from both parties have been arguing that the "advice and consent" provision of the Constitution grants Congress the authority not only to consent to treaties after they are drawn but also offer advice and counsel before and during the negotiating process.

Mr. Gore's complaint that the Administration had chosen deliberately to isolate itself from Congress in advance of the Helsinki negotiations stemmed in large part from his conviction that Congress had thus been denied the right to exercise its legitimate function.

Mr. Gore also said that the Administration's decision puzzled him, in part because "members of this subcommittee . . . have been in the forefront in both cooperation with previous administrations and in securing approval of treaties and agreements in this field of armament limitation and control."